

REMARKS

Claims 1-24 are pending in the present application. Claims 1-24 were rejected by the Office Action dated 10/08/2003. Claims 1, 6, 7, 14, 16, 18, and 20 are amended herein. Support for the Amendments to claims 1, 6, 14, and 18 can be found at least on pages 7 and 8 of the specification. No new claims have been added since the application was originally filed.

In paragraph 1 of the Office Action, the Examiner rejected claims 1-12, 16-17 and 20 under 35 USC 112 as indefinite. To cure these problems, the Examiner proposed several amendments to claims 1, 6, 7 and 20. The Applicants have made these amendments. Claim 16 has been amended for clarity. Based at least upon these amendments we ask that the Examiner withdraw his rejection of the claims under 35 USC 112.

In paragraph 3 of the Office Action the Examiner rejected claims 14-15 and 18-20 under 35 USC 102(b) as being anticipated by USPN 5400018 to Scholl et al. ("SCHOLL"). The applicants ask that the Examiner withdraw his rejection of these claims.

SCHOLL discloses a vehicle diagnostic system in which operator-generated switch codes and vehicle computer-generated codes are both sent to a remote central computer over a radio telecommunications link. The central computer receives the switch codes from the operator and the error codes from the vehicle's computer and diagnoses the vehicle's faults (see SCHOLL, FIG. 7).

Independent claims 14 and 18, in contrast, describe a system in which "the at least some of the inputs are provided in response to at least one computer-generated question" (claim 14) and "the operator inputs are responsive to at least one computer-generated question" (claim 18). SCHOLL does not disclose or suggest such a system. The

SCHOLL system transmits operator switch inputs or “codes” directly to a remote processor. SCHOLL has no structure for asking the operator any questions.

Support for these limitations (and the amendments to claims 1 and 6) can be found at least in the specification on pages 7 and 8 as follows:

A diagnostic algorithm runs on the microprocessor of the portable computer 160 or operator interface 220. **The algorithm asks a series of yes or no questions that are presented to the vehicle operator. Each yes or no response from the operator directs the algorithm to a successive branch of a decision tree. Each branch of the decision tree has another diagnostic question associated therewith.**

. . .

The microprocessor records the yes or no answers to the decision tree questions in a data character string, such as character string 300 depicted in FIG. 3.

. . .

Character string 300 is communicated by wireless communication via modem 165 coupled to portable computer 160. The character string is ultimately received at a remote data center 150.

For at least these reasons we ask that the Examiner allow claims 14-15 and 18-20. We also ask that the Examiner allow claims 16 and 17, which are dependent upon claim 14, for the same reasons.

In Paragraph 7, the Examiner rejected claims 1-13 and 21-24 under 35 USC 103(a) based upon SCHOLL, and further in view of Pillar (USPN 6553290, “PILLAR”).

The grounds for the rejection of claims were that it would be obvious to supplement the SCHOLL remote diagnostic system with the prompts of the PILLAR on-board diagnostic system so that communication between the operator and a local diagnostic system can be facilitated as PILLAR suggests in column 5. The applicants respectfully traverse the Examiner’s rejection of the claims.

First, SCHOLL and PILLAR cannot be properly combined. The PILLAR reference teaches a *local* diagnostic system. The SCHOLL reference teaches a *remote* diagnostic system.

The intelligent display module (14) of PILLAR (see PILLAR, FIG. 3) that prompts the operator with a menu of diagnostic tests (and that the Examiner proposes adding to the SCHOLL system) is programmed to prompt the operator with menu choices for choosing diagnostic tests that it is *also* programmed to run. In short, the PILLAR system prompts the user for diagnostic tests that are run right there in the vehicle and does not send data to a remote facility (a la SCHOLL) for remote diagnosis..

It should be clear that if one added the PILLAR intelligent display module (14) to the SCHOLL system there would be no need for the SCHOLL system at all, since the diagnostics would be done on the vehicle and the remote diagnostics of SCHOLL would be superfluous.

Second, the SCHOLL and PILLAR references cannot be combined since each would prevent the other from achieving the benefits and providing the advantages described by the other. SCHOLL describes the advantages of remote diagnosis, and sending data to other remote facilities from the diagnostic center. PILLAR eliminates the remote diagnostics center itself (and hence the advantages provided by it and its related facilities) by performing the diagnostics right on the vehicle. On the other hand, the SCHOLL system performs remote diagnostics and does not report back or inform the operator. A SCHOLL remote diagnostic system would not provide the valuable direct diagnostic feedback to the operator that the PILLAR system does.

Third, even if the systems would be combined, the result would not disclose all the elements of the claims 1 and 6. Assuming (for the sake of argument) that the two references *could* be combined, the result would be a vehicle with the PILLAR intelligent display module and the SCHOLL remote telecommunications and diagnosis, that would

ask the operator questions locally and diagnose problems (per PILLAR), and would also send raw operator switch and sensor data to the remote diagnosis facility (per SCHOLL).

Nothing in either reference suggests or discloses the desirability of “provid[ing]” “input from the operator” that is “responsive to at least one computer-generated question” to a “remote central data center” as recited by claim 1. Nothing in either reference suggests or discloses a “wireless communication device” to “communicate ... operator input” to a “data receiver”, wherein the input is “responsive to at least one computer-generated question” as recited by claim 6. The amendments to claims 1 and 6 are also supported by the quoted text from pages 7 and 8, above.

For at least the above reasons, the Applicants respectfully request that the Examiner withdraw his rejection of claims 1 and 6, and of claims 2-5 and 7-13 as dependent thereon.

The Applicants also respectfully request that the Examiner withdraw his rejection of claims 21-24 for the reasons recited above with regard to claim 18, from which claims 21-24 depend.

Conclusion

All of claims 1-24 are now believed to be in condition for allowance. Should the Examiner believe an interview with the undersigned would advance the prosecution of the case, he is cordially invited to contact the undersigned Attorney for the Applicants and the telephone number or email address below.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen M. Patton", with a stylized, overlapping flourish at the end.

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